

U.S. Department of Labor

Occupational Safety and Health Administration  
Washington, D.C. 20210

Reply to the Attention of:



RECEIVED 6/29/81

6:15 PM

Dr. Peter Infante, Director  
Office of Carcinogen Identification  
and Classification  
Room N3718 Frances Perkins Bldg.  
Washington, D. C. 20210

Dear Dr. Infante:

The purpose of this letter is to propose your removal from the service and from your position of Director, Office of Carcinogen Identification and Classification, Supervisory Health Scientist, GS-601-15, Directorate of Health Standards Programs, Occupational Safety and Health Administration, Washington, D. C., in order to promote the efficiency of the service for the following reasons and specifications:

Reason I: Misrepresenting the position of the Occupational Safety and Health Administration.

Specification 1: In your official capacity of Office Director, Office of Carcinogen Identification and Classification in the Directorate of Health Standards, you wrote a letter on official letter head to Dr. John Higginson, Director of the International Agency for Research on Cancer, which had the appearance of misrepresenting the Occupational Safety and Health Administration's position on the issuance of a Current Intelligence Bulletin (CIB) on formaldehyde. In a series of meetings beginning in late March or early April you were fully informed of the Agency's decision not to endorse the CIB and of a lack of confidence on the part of the Agency in the data on which the CIB was based. (A copy of your letter to Mr. Higginson is attached as Exhibit 1).

Reason II: Insubordination

Specification 1: During a meeting in late March or early April, you were advised of the Assistant Secretary's decision not to join NIOSH in the issuance of a CIB on formaldehyde. At a series of meetings which you attended with Mark Cowan and me prior to May 12, 1981 it was decided not to endorse the CIB because of a growing body of conflict and disagreement about the scientific evidence concerning the toxic effects of formaldehyde and specifically its carcinogenicity. Despite the fact that as a result of these meetings you were fully aware of the Agency's position on the issuance of the CIB and lack of confidence in the information contained therein, you wrote Dr. John Higginson on May 12, 1981, in your official capacity as Office Director, Office of Carcinogen Identification and Classification endorsing the CIB and the tests on which the information in the CIB was based.

You provided no information in the letter that you were proffering a personal opinion and thus represented to Dr. Higginson and others whom you provided copies of the letter (a list of individuals is shown on the last page of exhibit 1) that you were transmitting an official position of the Occupational Safety and Health Administration. Your action in sending the letter to Dr. Higginson, after being advised of the Agency's position in this matter, constitutes an act of insubordination which cannot be tolerated in an individual holding a key management position in the Agency and whose official responsibilities require that you represent the Agency on technical matters such as this.

Because I view your action as severely impacting the ability of the Assistant Secretary and myself to set and implement Agency policy, I view your action as directly interfering with the orderly accomplishment of this Agency's mission. Copies of correspondence received on this matter are attached. The nature of the comments in the correspondence support my conclusion that your actions have reflected adversely on you and the Agency. I am, therefore, proposing your removal from your position and the Federal service in order to promote the efficiency of the service.

You have the right to answer the aforementioned reasons both orally and in writing and to furnish affidavits and evidence in support of your answer. Your written reply or request for an oral reply must be received by me within fifteen (15) calendar days from the date you receive this notice. Consideration will be given to extending this notice if you submit a request giving your reasons. Any written reply or request for an oral reply should be addressed to me, Dr. Bailus Walker, Director, Directorate of Health Standards, Room N3718 Frances Perkins Building, 200 Constitution Avenue, N. W., Washington, D. C. 20210. A request for an oral reply can also be directed to me. No final decision will be made in this matter until your reply, or replies, have been received and considered, or, if no written reply is received or oral reply requested, until after the time period specified has passed. Any replies submitted by you will be given full consideration and you will be notified in writing of the final decision reached by Assistant Secretary Auchter.

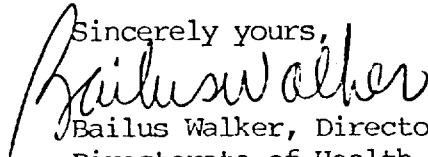
You have the right to be represented by an attorney or other representative of your choice, unless such choice presents a conflict of interest or position, unreasonable cost to the Government or the Government has a priority need for the service of an employee who wishes to serve as your representative. Within five (5) calendar days of your receipt of this notice, please notify me in writing at the address listed above of your designation of a representative.

I have attached copies of all materials relied upon to support this notice. If you wish to review the materials or other pertinent documents, to secure affidavits, to interview OSHA or other Department of Labor employees concerning pertinent matters, and/or to prepare a written reply, you will be allowed eight (8) hours of official time in which to do so. In addition, you will be allowed official time to make an oral reply if you wish to make one. Consideration will be given to granting you more than eight hours of official time to prepare an oral and/or written response to this notice if you submit a request to me explaining your need for additional official time.

If you do not fully understand the reasons cited in this proposed notice of adverse action, you may contact Ms. Mary Ann Piretti, Personnel Management Specialist, in the OSHA Personnel Office, 523-8013.

You will be retained in a work status during this advance notice period specified in this letter except for such periods as you may be absent on leave at your request and approved by me.

Sincerely yours,

A handwritten signature in cursive script that reads "Bailus Walker".

Bailus Walker, Director  
Directorate of Health Standards  
Programs

5 attachments consisting of 15 pages.